

109TH CONGRESS
2D SESSION

S. 3892

To reduce the number of deaths along the border between the United States and Mexico by improving the placement of rescue beacons, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 14, 2006

Mr. FRIST (for himself, Mr. McCAIN, and Mrs. HUTCHISON) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To reduce the number of deaths along the border between the United States and Mexico by improving the placement of rescue beacons, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Border Death Reduc-
5 tion Act of 2006”.

6 **SEC. 2. DEFINITION OF A RESCUE BEACON.**

7 In this Act, the term “rescue beacon” means a clearly
8 visible device with an internal power source that is placed
9 in an area likely to experience extreme weather, that con-

1 tains instructions for its use, and by means of lights, radio
2 signals, and other means, allows individuals to alert the
3 United States Customs and Border Protection of their
4 presence.

5 **SEC. 3. COLLECTION OF STATISTICS.**

6 (a) IN GENERAL.—Not later than 180 days after the
7 date of the enactment of this Act, the Commissioner of
8 Customs shall begin collecting data relevant to deaths oc-
9 ccurring at the border between the United States and Mex-
10 ico, divided by sector, and including—

- 11 (1) the causes of the deaths;
- 12 (2) the total number of deaths;
- 13 (3) the location of deaths; and
- 14 (4) demographic characteristics, including the
15 sex and approximate age of those deceased.

16 (b) DEVELOPMENT OF PROTOCOLS.—The Commis-
17 sioner of Customs shall develop consistent, formal, written
18 protocols for the collection of data described in subsection
19 (a).

20 **SEC. 4. ANNUAL REPORT ON BORDER DEATHS.**

21 Not later than 1 year after the date of the enactment
22 of this Act, and annually thereafter, the Commissioner of
23 Customs shall submit to the Secretary of Homeland Secu-
24 rity a report that contains—

1 (1) an analysis of trends with respect to the
2 statistics collected under section (3)(a)(1) during the
3 preceding year;

4 (2) an evaluation, using multivariate statistical
5 approaches, of the Border Safety Initiative, includ-
6 ing any rescue beacons deployed, and any successor
7 program designed to reduce deaths along the border
8 described in section 3(a); and

9 (3) recommendations of particular actions to re-
10 duce the deaths described in section 3(a).

11 **SEC. 5. REPORT ON BEACON PLACEMENT.**

12 (a) **REPORT REQUIRED.**—Not later than 6 months
13 after the date of the enactment of this Act, the Commis-
14 sioner of Customs shall submit to the Secretary of Home-
15 land Security a report on enhancing the deployment of res-
16 cue beacons.

17 (b) **FOCUS OF REPORT.**—Such report shall contain
18 particular emphasis on enhancing the deployment of res-
19 cue beacons in the Tucson Sector.

20 (c) **CONTENTS OF REPORT.**—The report required by
21 subsection (a) shall include—

22 (1) an assessment of the efficacy of the deploy-
23 ment of rescue beacons in light of the statistics
24 gathered under section 3, including analysis of the

1 locations of deaths recorded and areas frequented by
2 illegal migrants; and

3 (2) recommendations on where additional res-
4 cue beacons should be placed to reduce the number
5 of deaths in the area described by section 3 and sec-
6 tion 5(b).

7 (d) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated \$500,000 to carry out
9 the provisions of this section.

10 **SEC. 6. DEPLOYMENT OF ENHANCED BEACON NETWORK.**

11 (a) DEPLOYMENT OF RESCUE BEACONS.—Not later
12 than 1 year after the date of the enactment of this Act,
13 the Commissioner of Customs shall deploy additional res-
14 cue beacons in all areas recommended in the report re-
15 quired by section 5.

16 (b) GUIDELINES FOR PLACEMENT OF RESCUE BEA-
17 CONS.—Not later than 1 year after the date of the enact-
18 ment of this Act, the Commissioner of Customs shall issue
19 to all sector chiefs formal, written guidelines for the ongo-
20 ing placement and removal of rescue beacons and the ap-
21 propriate response to the activation of such beacons.

22 (c) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated \$1,500,000 to carry out
24 the provisions of this section.

1 **SEC. 7. PROHIBITION ON ABANDONMENT OF ALIENS IN A**
2 **BORDER ZONE.**

3 (a) IN GENERAL.—Any person who commits an act
4 described in section 274(a)(1)(A) of the Immigration and
5 Nationality Act (8 U.S.C. 1324(a)(1)(A)) and abandons
6 an alien with respect to that act in a place not within sight
7 of a paved road or rescue beacon, shall be considered to
8 have placed in jeopardy the life of a person as described
9 in section 274(a)(1)(B)(iii) of such Act (8 U.S.C.
10 1324(a)(1)(B)(iii)).

11 (b) CONSTRUCTION.—Nothing in this section shall be
12 construed to prohibit any person from being held in viola-
13 tion of section 274(a)(1)(B)(iii) of such Act (8 U.S.C.
14 1324 (B)(iii)).

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